

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ORDER

18-CR-6094

CARLOS FIGUEROA, XAVIER TORRES,  
and JEAN KARLOS PIZZARO,

Defendants.

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As required by the Due Process Protections Act [Pub. L. 116-182, 134 Stat. 894] and Fed. R. Crim. P. 5(f)(1), the Court confirms the United States' obligation to produce all exculpatory evidence to the defendant pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders it to do so. The government must make these "disclosures in sufficient time that the defendant will have reasonable opportunity to act upon the information efficaciously." *United States v. Rodriquez*, 496 F.3d 221, 226 (2d Cir. 2007); *Leka v. Portuondo*, 257 F.3d 89, 98 (2d Cir. 2001); *United States v. Coppa*, 267 F.3d 132 (2d Cir. 2001). Failure to do so may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, or sanctions by the Court.

IT IS SO ORDERED.

Dated: November 10, 2020  
Rochester, New York



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FRANK P. GERACI, JR.  
CHIEF UNITED STATES DISTRICT JUDGE